

RECEIVED
CENTRAL FAX CENTER

FEB 15 2006

IBM CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
11400 BURNET ROAD
AUSTIN, TEXAS 78758
FAX # 512DATE: 2/15/05Number of Pages to Follow (including cover sheet) 13

SEND TO: United States Patent Office

Examiner: A.M. LEZAKGroup Art Unit: 2443Tel No: 571-272-3916Fax #: 571-273-8300FROM: J.B. KRAFTTel No: 512-473-2303

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

Docket No. Gen. D. Prosser et al Serial No. 09/01,614 Atty: J.B. KRAFTApplicant: Intel AUS92000 0935 US

<input type="checkbox"/> Transmittal Letter (2 copies)	<input type="checkbox"/> Certificate of Facsimile
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Amendment AF	<input type="checkbox"/> Appeal Brief (3 copies)
<input type="checkbox"/> Ext. of Time	<input checked="" type="checkbox"/> Reply Brief
<input type="checkbox"/> IDS Statement	<input type="checkbox"/> Change of Address
<input type="checkbox"/> Other	

Deposit Acct. No.

Fees: Amendment _____ Notice of Appeal _____ Appeal Brief _____ Other _____

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

FEB 15 2006

PATENT
09/801,614

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2143

: Examiner A. M. Lezak

Gerald F. McBrearty et al. : Intellectual Property

Serial No: 09/801,614 : Law Department - 4054

Filed: 03/08/2001 : International Business

Title: PROTECTING CONTENTS : Machines Corporation

OF COMPUTER DATA FILES FROM : 11400 Burnet Road

SUSPECTED INTRUDERS BY : Austin, Texas 78758

PROGRAMMED FILE DESTRUCTION : Customer No. 32,329

Date: 2/15/06 :

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2143 at telephone number 571-273-8300, and to the attention of Examiner A. M. Lezak on 02/15/06.

J. B. KRAFTJ. B. KraftREPLY BRIEF ON APPEAL
BEFORE THE BOARD OF APPEALS
AND INTERFERENCES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed December 12, 2005.

In the Answer, the Examiner makes several fresh arguments which Applicants wish to address.

AUS920000935US1

1

PATENT
09/801,614

To review and summarize the claimed invention: it provides a very aggressive solution to the problem of unauthorized intrusions into database files. It provides for storing for each of the plurality of data files, a backup file which is inaccessible to any user requests. Then, as soon as an initial unauthorized intrusion is determined, the requested data files are destroyed, and the respective stored backup files are substituted for the destroyed files. (e.g. claim 1)

The Final Rejection holds that the claims (as represented by claim 1) are unpatentable under 35 U.S.C. 103(a) over the combination of Schneck (US5,933,498) in view of Groshon (US6,351,811).

The Examiner admits that Schneck does not teach storing for each of said plurality of data files, a backup file inaccessible to user requests. However, the Examiner has failed to note that Schneck also does not disclose reloading a backup file for each destroyed file.

Examiner looks to the Groshon Patent to make up for these deficiencies in the basis Schneck Patent. Applicants have argued that Groshon fails to teach the above two claimed elements of the present Application. The Examiner's Answer has the following arguments in response to Applicant's Brief which Applicants wish to address.

On page 7 of the Answer, Examiner argues that the backup Web pages described on page 7 of Groshon are equivalent to the stored backup files. The Examiner then goes on to note that applicant's claim is completely silent,

"as to the use of the backup file (control copy) for purposes of determining whether a received request for data files is an unauthorized intrusion"

Applicants agree with the Examiner. Applicants have never argued that their backup files are used to determine

AUS920000935US1

2

PATENT
09/801,614

whether there has been an unauthorized intrusion. Please note that in the annotations for claim 1 in Section V, Summary of Claimed Invention in the Appeal Brief, Applicants have referred to the Application Specification, p. 10, line 25 through p. 11, line 34 describing several examples of how an unauthorized intrusion may be determined. None of Applicants' examples remotely suggest comparison with the stored backup files. In Applicants' claims, the stored backup files are used only to replace the destroyed original files only after an unauthorized intrusion has been detected by the other means described above.

Applicants submit it is the Examiner who appears to be arguing that the backup Web pages in Groshon are used for comparison purposes. The Examiner has referred to col 5, lines 1-9 as teaching that the comparison made by Groshon's backup files is for the purpose of determining unauthorized intrusion. Actually, the comparison in Groshon is in response to a request for a Web page. A comparison is made with a backup copy to validate the requested page i.e. insure that the Web page is intact. Groshon (at col. 6, lines 34-38) even goes on to state that there may be circumstances where compromised and suspect data may be transmitted and used. This lack of urgency certainly would not lead one skilled in the art to Applicants' immediate solution of immediate destruction of the intruded data file, and the substitution of the stored backup file.

Groshon is not interested in determining whether the request for the Web page is an intrusion. It is only after a request for a Web page is made that Groshon compares to determine Web page integrity.

With respect to Examiner's argument on page 5 (10.1) of the Answer that Applicants have only Argued the shortcomings of the two references individually, Applicants submit that

AUS920000935US1

3

PATENT
09/801,614

there is little in either of the two references to suggest their combination in the manner suggested by Examiner. Schneck teaches protection of a database involving among other expedients monitoring for intrusions, and destroying data intruded upon. Groshon is primarily interested in the integrity of a Web page after the page has been requested. Groshon compares with backup copy of the Web page only after the Web page request. The claimed combination of storing for each of the plurality of data files, a backup file which is inaccessible to any user requests, the destruction of unauthorized data files as soon as an initial unauthorized intrusion is determined, and the substitution of respective stored backup files for the destroyed files can only come from Applicants' own teaching.

Accordingly, for the above reasons and for the reasons set forth in the Brief on Appeal, it is respectfully requested that the Final Rejection be reversed, and that claims 1, 4, 5, 7, 10, 13, 14, 17, 20, 21, 24, 25, 27, and 30 be found to be in condition for allowance.

Respectfully submitted

J.B. Kraft 02/15/06
J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:

Herman Rodriguez
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

AUS920000935US1

4

RECEIVED
CENTRAL FAX CENTERPATENT
09/801,614

FEB 15 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2143

Gerald F. McBrearty et al. : Examiner A. M. Lezak

Serial No: 09/801,614 : Intellectual Property

Filed: 03/08/2001 : Law Department - 4054

Title: PROTECTING CONTENTS : International Business

OF COMPUTER DATA FILES FROM : Machines Corporation

SUSPECTED INTRUDERS BY : 11400 Burnet Road

PROGRAMMED FILE DESTRUCTION : Austin, Texas 78758

Date: 2/15/06 : Customer No. 32,329

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2143 at telephone number 571-273-8300, and to the attention of Examiner A. M. Lezak on 2/15/06.

J.B. KRAFTJ. KraftREPLY BRIEF ON APPEAL
BEFORE THE BOARD OF APPEALS
AND INTERFERENCES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed December 12, 2005.

In the Answer, the Examiner makes several fresh arguments which Applicants wish to address.

AUS920000935US1

1

PATENT
09/801,614

To review and summarize the claimed invention: it provides a very aggressive solution to the problem of unauthorized intrusions into database files. It provides for storing for each of the plurality of data files, a backup file which is inaccessible to any user requests. Then, as soon as an initial unauthorized intrusion is determined, the requested data files are destroyed, and the respective stored backup files are substituted for the destroyed files. (e.g. claim 1)

The Final Rejection holds that the claims (as represented by claim 1) are unpatentable under 35 U.S.C. 103(a) over the combination of Schneck (US5,933,498) in view of Groshon (US6,351,811).

The Examiner admits that Schneck does not teach storing for each of said plurality of data files, a backup file inaccessible to user requests. However, the Examiner has failed to note that Schneck also does not disclose reloading a backup file for each destroyed file.

Examiner looks to the Groshon Patent to make up for these deficiencies in the basis Schneck Patent. Applicants have argued that Groshon fails to teach the above two claimed elements of the present Application. The Examiner's Answer has the following arguments in response to Applicant's Brief which Applicants wish to address.

On page 7 of the Answer, Examiner argues that the backup Web pages described on page 7 of Groshon are equivalent to the stored backup files. The Examiner then goes on to note that applicant's claim is completely silent

"as to the use of the backup file (control copy) for purposes of determining whether a received request for data files is an unauthorized intrusion"

Applicants agree with the Examiner. Applicants have never argued that their backup files are used to determine

AUS920000935US1

2

PATENT
09/801,614

whether there has been an unauthorized intrusion. Please note that in the annotations for claim 1 in Section V, Summary of Claimed Invention in the Appeal Brief, Applicants have referred to the Application Specification, p. 10, line 25 through p. 11, line 34 describing several examples of how an unauthorized intrusion may be determined. None of Applicants' examples remotely suggest comparison with the stored backup files. In Applicants' claims, the stored backup files are used only to replace the destroyed original files only after an unauthorized intrusion has been detected by the other means described above.

Applicants submit it is the Examiner who appears to be arguing that the backup Web pages in Groshon are used for comparison purposes. The Examiner has referred to col 5, lines 1-9 as teaching that the comparison made by Groshon's backup files is for the purpose of determining unauthorized intrusion. Actually, the comparison in Groshon is in response to a request for a Web page. A comparison is made with a backup copy to validate the requested page i.e. insure that the Web page is intact. Groshon (at col. 6, lines 34-38) even goes on to state that there may be circumstances where compromised and suspect data may be transmitted and used. This lack of urgency certainly would not lead one skilled in the art to Applicants' immediate solution of immediate destruction of the intruded data file, and the substitution of the stored backup file.

Groshon is not interested in determining whether the request for the Web page is an intrusion. It is only after a request for a Web page is made that Groshon compares to determine Web page integrity.

With respect to Examiner's argument on page 6 (10.1) of the Answer that Applicants have only Argued the shortcomings of the two references individually, Applicants submit that

AUS920000935US1

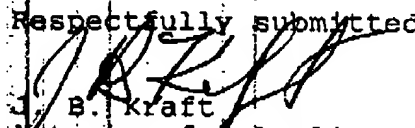
3

PATENT
09/801,614

there is little in either of the two references to suggest their combination in the manner suggested by Examiner. Schneck teaches protection of a database involving among other expedients monitoring for intrusions, and destroying data intruded upon. Groshon is primarily interested in the integrity of a Web page after the page has been requested. Groshon compares with backup copy of the Web page only after the Web page request. The claimed combination of storing for each of the plurality of data files, a backup file which is inaccessible to any user requests, the destruction of unauthorized data files as soon as an initial unauthorized intrusion is determined, and the substitution of respective stored backup files for the destroyed files can only come from Applicants' own teaching.

Accordingly, for the above reasons and for the reasons set forth in the Brief on Appeal, it is respectfully requested that the Final Rejection be reversed, and that claims 1, 4, 5, 7, 10, 13, 14, 17, 20, 21, 24, 25, 27, and 30 be found to be in condition for allowance.

Respectfully submitted


J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:

Herman Rodriguez
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

AUS920000935US1

4

PATENT
09/801,614

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re application of: : Group Art Unit: 2143
: Examiner A. M. Lezak
Gerald F. McBrearty et al. : Intellectual Property
Serial No: 09/801,614 : Law Department - 4054
Filed: 03/08/2001 : International Business
Title: PROTECTING CONTENTS : Machines Corporation
OF COMPUTER DATA FILES FROM : 11400 Burnet Road
SUSPECTED INTRUDERS BY : Austin, Texas 78758
PROGRAMMED FILE DESTRUCTION : Customer No. 32,329
Date: 02/15/06 :

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2143 at telephone number 571-273-8300, and to the attention of Examiner A. M. Lezak on 2/15/06
J. B. KRAFT
J. B. Kraft

REPLY BRIEF ON APPEAL
BEFORE THE BOARD OF APPEALS
AND INTERFERENCES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed December 12, 2005.

In the Answer, the Examiner makes several fresh arguments which Applicants wish to address.

AUS920000935US1

1

PATENT
09/801,614

To review and summarize the claimed invention: it provides a very aggressive solution to the problem of unauthorized intrusions into database files. It provides for storing for each of the plurality of data files, a backup file which is inaccessible to any user requests. Then, as soon as an initial unauthorized intrusion is determined, the requested data files are destroyed, and the respective stored backup files are substituted for the destroyed files. (e.g. claim 1)

The Final Rejection holds that the claims (as represented by claim 1) are unpatentable under 35 U.S.C. 103(a) over the combination of Schneck (US5,933,498) in view of Groshon (US6,351,811).

The Examiner admits that Schneck does not teach storing for each of said plurality of data files, a backup file inaccessible to user requests. However, the Examiner has failed to note that Schneck also does not disclose reloading a backup file for each destroyed file.

Examiner looks to the Groshon Patent to make up for these deficiencies in the basis Schneck Patent. Applicants have argued that Groshon fails to teach the above two claimed elements of the present Application. The Examiner's Answer has the following arguments in response to Applicant's Brief which Applicants wish to address.

On page 7 of the Answer, Examiner argues that the backup Web pages described on page 7 of Groshon are equivalent to the stored backup files. The Examiner then goes on to note that applicant's claim is completely silent "as to the use of the backup file (control copy) for purposes of determining whether a received request for data files is an unauthorized intrusion"

Applicants agree with the Examiner. Applicants have never argued that their backup files are used to determine

US920000935US1

2

PATENT
09/801,614

whether there has been an unauthorized intrusion. Please note that in the annotations for claim 1 in Section V, Summary of Claimed Invention in the Appeal Brief, Applicants have referred to the Application Specification, p. 10, line 25 through p. 11, line 34 describing several examples of how an unauthorized intrusion may be determined. None of Applicants' examples remotely suggest comparison with the stored backup files. In Applicants' claims, the stored backup files are used only to replace the destroyed original files only after an unauthorized intrusion has been detected by the other means described above.

Applicants submit it is the Examiner who appears to be arguing that the backup Web pages in Groshon are used for comparison purposes. The Examiner has referred to col 5, lines 1-9 as teaching that the comparison made by Groshon's backup files is for the purpose of determining unauthorized intrusion. Actually, the comparison in Groshon is in response to a request for a Web page. A comparison is made with a backup copy to validate the requested page i.e. insure that the Web page is intact. Groshon (at col. 6, lines 34-38) even goes on to state that there may be circumstances where compromised and suspect data may be transmitted and used. This lack of urgency certainly would not lead one skilled in the art to Applicants' immediate solution of immediate destruction of the intruded data file, and the substitution of the stored backup file.

Groshon is not interested in determining whether the request for the Web page is an intrusion. It is only after a request for a Web page is made that Groshon compares to determine Web page integrity.

With respect to Examiner's argument on page 6 (10.1) of the Answer that Applicants have only Argued the shortcomings of the two references individually, Applicants submit that

AUS920000935US1

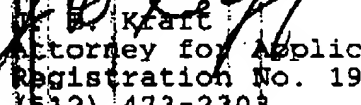
3

PATENT
09/801,614

there is little in either of the two references to suggest their combination in the manner suggested by Examiner. Schneck teaches protection of a database involving among other expedients monitoring for intrusions, and destroying data intruded upon. Groshon is primarily interested in the integrity of a Web page after the page has been requested. Groshon compares with backup copy of the Web page only after the Web page request. The claimed combination of storing for each of the plurality of data files, a backup file which is inaccessible to any user requests, the destruction of unauthorized data files as soon as an initial unauthorized intrusion is determined, and the substitution of respective stored backup files for the destroyed files can only come from Applicants' own teaching.

Accordingly, for the above reasons and for the reasons set forth in the Brief on Appeal, it is respectfully requested that the Final Rejection be reversed, and that claims 1, 4, 5, 7, 10, 13, 14, 17, 20, 21, 24, 25, 27, and 30 be found to be in condition for allowance.

Respectfully submitted


J.B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2308

PLEASE MAIL ALL CORRESPONDENCE TO:

Herman Rodriguez
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

AUS920000935US1

4

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.